

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Crl.Rev.Pet.No. 3964 of 2006(A)

CRA.23/2004 of SESSIONS COURT, PATHANAMTHITTA
CC.206/2002 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA
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REVN. PETITIONER: APPELLANT/ACCUSED.

KOMALAN M.J. S/O.JANARDHANAN, AGED 41 YEARS
MOOLACKAL HOUSE, ATHIKKAYAM P.O.
RANNI, PATHANAMTHITTA.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS: COMPLAINANT.

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1. M/S.SREENARAYANA TRADERS & FINANCIERS LTD.,
THAVALATHIL BUILDINGS, PATHANAMTHITTA,
REPRESENTED BY ITS MANAGING DIRECTOR,
M.K.DIVAKARAN, BY POWER OF ATTORNEY HOLDER,
M.K.VARADARAJAN, MANAPPALLIL, PRAMADOM,
PATHANAMTHITTA.
 2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.C.S.MANILAL
SRI. BREEZE M.S., PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

CRL. R.P. NO. 3964 OF 2006

: 2:

ORDER ON 11373/2006 IN CRL. R.P.NO. 3964 OF 2006

DISMISSED

26.02.2007

SD/- K.R. UDAYABHANU, JUDGE

/True Copy/

P.A. to Judge.

K.R. UDAYABHANU, J.

CRL.R.P. NO. 3964 of 2006 A

Dated this the 26th day of February, 2007

ORDER

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced to pay a fine of Rs. 2,00,000/- and in default to undergo simple imprisonment for 60 days and also with a direction that the fine amount shall be paid as compensation to PW1. On a consideration of the judgments of the courts below, I find that there is no scope for interference in view of the fact that the statutory presumptions stands unrebutted. No contra evidence has been adduced and noting has been brought out in the cross examination of PW1 to suspect his version.

2. In the circumstances, the conviction and sentence imposed is confirmed. The revision petitioner is granted six months time from today onwards to remit the fine amount less the amount if any paid to the complainant. The revision petitioner shall appear before Chief Judicial Magistrate, Pathanamthitta on **30.08.2007** to receive sentence. NBW if pending shall be kept in abeyance.

The Crl. R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

RV

